

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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JIA SHENG,

Plaintiff,

v.

M&T BANK CORPORATION, and  
MANUFACTURERS & TRADERS TRUST  
COMPANY, d/b/a M&T BANK,

Defendants.

No. 12 Civ. 01103 (WMS)(HBS)

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**JOINT MOTION TO EXTEND TIME TO COMPLETE DISCOVERY**

Plaintiff Jia Sheng and Defendants M&T Bank Corporation and Manufacturers and Traders Trust Company, d/b/a M&T Bank (collectively, “M&T”) jointly move to amend the Scheduling Order, filed by the Court on January 29, 2013, by extending the deadlines therein as proposed in this joint motion.

The grounds for this joint motion are as follows:

- (1) The parties have been actively engaged in discovery, having both responded to document discovery demands, and are currently in the process of scheduling depositions.
- (2) Plaintiff’s counsel has recently advised, upon having received a Dismissal and Notice of Rights from the Equal Employment Opportunity Commission, of the intention to seek an amendment to the Complaint to add claims under Title VII and the Americans with Disabilities Act.
- (3) In order to adequately complete discovery in this action, and in view of the new federal claims that Plaintiff intends to add to the complaint, the parties believe that additional time is necessary under the applicable deadlines in the Scheduling Order.

- (4) No previous requests or motions to extend the discovery deadlines under the Court's Scheduling Order have been made.
- (5) If trial, disclosure, and expert deadlines are not adjusted, manifest injustice will result because the parties will not be able to properly satisfy disclosure obligations and exchange relevant and responsive material. This will impair expert disclosure obligations, summary judgment briefing, and trial preparation. Accordingly, the parties respectfully request that the Court grant their motion to amend the current Scheduling Order to allow the parties to cooperatively satisfy disclosure obligations.
- (6) Set forth below are the dates proposed by the parties for an amended Scheduling Order, along with a reference to the dates as they exist under the current Order. The parties request no changes/modifications to deadlines that have already passed. For most upcoming deadlines, the parties request a **60-day** extension:

**Close of discovery (including expert discovery):** September 30, 2013 (current date: July 30, 2013), with motions to compel due at least 30 days prior to that amended discovery cutoff date.

**Defense expert disclosure:** September 18, 2013 (current date: July 18, 2013)

**Dispositive motion deadline:** January 10, 2014 (current date: October 31, 2013).

**Status report deadline, if no dispositive motions filed:** January 31, 2014 (current date: November 25, 2013).

- (7) Accordingly, the parties believe that there is good cause for this motion under Federal Rule of Civil Procedure 16.

**WHEREFORE**, Plaintiff and Defendants jointly move this Court to enter an order modifying certain dates in its Scheduling Order as referenced herein.

**DATED:** June 28, 2013

Respectfully submitted,

**Ariel Y. Graff**

The Ottinger Firm, P.C.  
20 West 55th Street, 6th Floor  
New York, NY 10019  
(212) 571-2000 x 8 - Telephone  
(212) 571-0505 - Facsimile

By: s/  
Ariel Y. Graff  
[ari@ottingerlaw.com](mailto:ari@ottingerlaw.com)

Respectfully submitted,

**Sean D. Ronan**

M&T Bank  
Legal Department, 12th Floor  
One M&T Plaza  
Buffalo, New York 14203  
(716) 842-5401 – Telephone  
(716) 842-5376 - Facsimile

By: s/  
Sean D. Ronan  
[sronan@mtb.com](mailto:sronan@mtb.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 28<sup>th</sup> day of June, 2013, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

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/s/ Ariel Y. Graff  
Ariel Y. Graff